

3) EP 0 531 671 A 2 (which the applicant already has)

The document 3) which was cited in the hearing on July 22, 2002, at least discloses the method as claimed in the applicable patent claim 1 (submitted on June 1, 2001).

Specifically, it teaches a computer-legible data storage medium (memory board for a computer processing system), which stores a hardware identification (protective identification) (encrypted; see patent claim 4) which cannot be changed. The program to be protected has an associated comparison identification (see column 2, line 50 et seqq.). A protection routine monitors that the identifications are the same (see Figure 5).

Since the comparison identification corresponds to the license information for the subject matter of the application, this thus likewise ensures a unique association between the hardware identification and the license information, although with a slightly modified procedure.

In any case, the average person skilled in the art would not require any inventive step in order to come to the method as claimed in patent claim 1.

Patent claim 1 is thus not grantable.

No features whose significance justifies a patent can be found in the other patent claims, either.

Examination Department for Class G06F

[signed]

Dipl.-Ing. Richter

Extension: 3083

Note relating to the hearing
with regard to Patent Application 100 23 820-53

Start: 11.45 hrs

End: 13.45 hrs

Those present:

as examiner: Herr RD Richter

for the applicant: Herr Dr. Georg Zels and Herr Dipl.-Ing. Roland Bittner,
personally known,
power of attorney has been submitted.

New documents to be considered:

2) DE 44 19 115 A1

The examiner submitted the major contents of the files. The situation and legal position were explained to the applicant's representative.

With regard to the applicable patent claims 1 to 6, submitted on June 1, 2001, reference is also made to the document 2), from which it is known for a non-personalized smart card to be used as a "Dongle" for software that is to be protected.

In contrast, in the case of the subject matter of patent claim 1, a component "which is already used in any case for operation of the system" is intended to be used as a data storage medium.

In this context, the examiner referred to the document 3) (EP 0 531 671 A2).

In accordance with § 42, Clause 3, Statement 2 of the German Patent Law, the applicant in this regard applied for a specific notice period for comments.

This was agreed, and the hearing was ended.

[signed]

Richter

Spe

[German Patent and Trademark Office stamp
and issuing signature]

1) DE 693 26 497 T 2

A method as claimed in patent claim 1 of the present patent application is apparently already known from the document 1), see there in particular page 5, last paragraph to page 8, paragraph 1). In this case, the serial number which is applied to the card there corresponds to the hardware identification which can no longer be changed in the subject matter of the application.

Patent claim 1 therefore cannot be granted, since its subject matter is not novel.

Patent claims 2 to 9 each relate to details and refinements which have no inventive significance. Thus, even after possible inclusion in a new patent claim 1, they could not lead to a grantable patent claim.

Unless the present set of patent claims is amended, it must be expected that the present patent application will be rejected.

Examination Department for Class G06F

[signed]

Dipl.-Ing. Richter

Extension: 3083

4) EP 0 339 115 A 1

The rest of the examination was based on the new patent claims 1 to 7 submitted with the reference submission.

During the repeated extensive study of the previously cited documents, the Examination Department noted the document 4), whose content is touched on only in a very highly indicative manner in the document 1), see page 2, paragraph 3 there.

This document likewise teaches (see, in particular patent claim 1),

- from the unique hardware identification (featured data (M1) which can no longer be varied of a hardware object (data processing system) and license information (attribute data A1, A2 of a program)
- via an encryption algorithm (encryption device VE)
- the production of an identification number (encrypted second data record D2),
- which identification number is stored in an area of the hardware object (data processing system) which can be read from and written to,

and granting of permission to use the software component (program), when

- for access authorization, the identification number (D2) on the hardware object (data processing system) is read by a software routine ... and the unique hardware identification (M1) and the license information (A1, A2) (third data record) are generated by the decryption algorithm (decryption unit ES) from the identification number (D2), and
- a check is carried out to determine whether the hardware identification (third data record) which is obtained by the decryption algorithm matches that on the hardware object (data processing system).

In this case, the identification number (D2) can also be transferred by means of a memory medium to the hardware object (data processing system) (see patent claim 3).

The method as claimed in patent claim 1 differs from this prior art only in that the hardware identification is associated with a computer-legible data storage medium - and not a data processing system, as there.

However, it is always within the capability of a person skilled in the art to decide the objects (data processing system or memory card on the one hand and license information or

attribute data on the other hand) between which a permanent logical relationship should be formed. As stated above, the method and the procedure are virtually the same.

Patent claim 1 in the present patent application therefore cannot be granted owing to lack of any inventive step.

The variation as claimed in the characterizing part b) is purely a reversal of the procedure as claimed in part a).

With regard to patent claims 4 to 6, reference should be made to the document 4), patent claim 3: the storage medium mentioned there could, of course, also be used in a different way for the data processing system there.

Since no features whose significance would justify a patent can be found in the other patent claims or in the description, either, there can be no prospect of success for the existing patent application.

Examination Department for Class G06F

[signed]

Dipl.-Ing. Richter

Extension: 3083